

Memorandum



Date: July 22, 2015

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Agenda Item No. 2(A)(1)

Subject: Report on Pending November 2014 Cycle Applications to Amend the
Comprehensive Development Master Plan

Recommendation

It is recommended that the Board of County Commissioners (Board) take final action on the pending Application Nos. 6 and 7 filed in the November 2014 Cycle of amendments to the Comprehensive Development Master Plan (CDMP). The pending applications are identified in the table below with the corresponding ordinances with which final action is to be taken. The ordinances were adopted on first reading at the Board's May 6, 2015, transmittal public hearing for the November 2014 CDMP Amendment Cycle.

APPLICATION NUMBER	ITEMS FOR CONSIDERATION BY THE BOARD
Application No. 6 (Standard Application)	Item No. 7A – Ordinance (Final Action)
Application No. 7 (Standard Application)	Item No. 7B – Ordinance (Final Action)

Background

A total of seven (7) applications were filed in the November 2014 CDMP Amendment Cycle. Of the seven (7) applications filed, Application Nos. 1, 2, 3, 4 and 5 were filed as small-scale amendment requests and were thereby adopted as small-scale amendments by the Board at the May 6, 2015, CDMP transmittal public hearing, pursuant to Section 163.3187, Florida Statutes. The pending two (2) applications are Standard amendments that were transmitted by letter dated May 19, 2015, to the State Land Planning Agency and other state and regional agencies (reviewing agencies) for review and comment, pursuant to the Board's May 6, 2015, transmittal instructions and in accordance with Section 163.3184, Florida Statutes.

The reviewing agencies reviewed the transmitted applications and, by correspondence issued in June 2015, provided comments on projected impacts from the applications, if any, to relevant state or regional facilities and resources. The correspondence from the reviewing agencies are included as 'Additional Items' to the Board's July 22, 2015, hearing agenda package.

Section 2-116.1 of the Code of Miami-Dade County requires that changes to a declaration of restrictive covenant that was accepted in connection with a prior application to amend the CDMP shall require a vote of two-thirds of the Board members present, but no less than seven (7) affirmative votes. The pending Application Nos. 6 and 7 each request modification to an existing

CDMP Declaration of Restrictions and thereby will each require an affirmative vote of two-thirds of the members present, but no less than seven (7) affirmative votes of the Board for adoption.

Scope

The CDMP is a broad-based countywide policy-planning document created to guide future growth and development, to ensure the adequate provision of public facilities and services for existing and future populations in Miami-Dade County, and to maintain or improve the quality of the natural and man-made environment in the County. While the adopted text of the CDMP generally applies countywide, some text amendment applications and individual, site-specific Land Use Plan map amendment applications may have localized impact on one or more Commission Districts. Application No. 6 seeks amendment to a CDMP Declaration of Restrictions pertaining to property located within Commission District 2 (Commissioner Monestime). Application No. 7 seeks amendment to the Land Use Plan map and a CDMP Declaration of Restrictions pertaining to property within Commission District 10 (Commissioner Souto).

Fiscal Impact

There are no direct fiscal impacts associated with Application Nos. 6 and 7. However, the development allowed by CDMP amendment applications may have varying impacts to County services. The impacts associated with the pending applications are discussed in the "Initial Recommendations November 2014 Applications to Amend the Comprehensive Development Master Plan" report, dated March 2015.

Track Record/Monitor

Amendments to the CDMP do not involve contracts so a Track Record/Monitor is not applicable.

Final Recommendations

A summary description for each of the pending November 2014 Cycle CDMP Application Nos. 6 and 7 and the final recommendations of the Department of Regulatory and Economic Resources on the pending applications are contained in the "Summary of Recommendations" matrix (Attachment A) of this report. The matrix also includes the prior recommendations of the Board, the affected Community Councils, and the Planning Advisory Board acting as the Local Planning Agency.



Jack Osterholt, Deputy Mayor

Attachment A

Summary of Recommendations November 2014 Applications to Amend the Comprehensive Development Master Plan for Miami-Dade County, Florida June 2015

Application Number/ Type	Location/Acreage/ Requested Amendment	BCC District/ Commissioner	Department's Initial Recommendation March 2015	Community Council Recommendation, Resolution # and Date	LPA Recommendation April 20, 2015	BCC Action/ Recommendation May 6, 2015	Department's Final Recommendation June 2015	BCC Final Action July 22, 2015
6 / standard	Rosal Westview, LLC. / Jeffrey Bercoff Esq. & Glanell Mestre, Esq. Between NW 22 and 27 Avenues and between NW 132 and NW 107 Streets / (±196.49 gross; ±180.4 net) <u>Requested Amendment to CDMP text:</u> Modify existing Declaration of Restrictions in the Restrictions Table in Appendix A of the CDMP Land Use Element regarding the October 2011 Cycle Application No. 1 (Declaration of Restrictions recorded in Book 28896 Pages 1971-2007 of the Official Records) pertaining to the perimeter buffer, vehicular access, an alternative program to FDOT's "Adopt a Highway" program, and the applicability or conditions to each parcel in the application area.	2 / Monestime	Transmit with Change and Adopt	Transmit with Change as requested by the applicant and Adopt CC 8-02-15 (March 31, 2015)	Transmit with Change and Adopt	Transmit with Change and Adopt as recommended by Staff	Adopt as Transmitted	

Application Number/ Type	Location/Acreage/ Requested Amendment	BCC District/ Commissioner	Department's Initial Recommendation March 2015	Community Council Recommendation # and Date	LPA Recommendation April 20, 2015	BCC Action/ Recommendation May 6, 2015	Department's Final Recommendation June 2015	BCC Final Action July 22, 2015
7 / standard	<p>Keep Bleau Green Committee, Inc. / Felix Lasarte, Esq.</p> <p>Between NW 97 and NW 87 Avenues and between West Flagler and theoretical NW 8 Street (south of SR 896) / (±112.0 Gross Acres, ±110.0 Net Acres)</p> <p><u>Requested Amendment to CDMP Text and LUP Map:</u></p> <p>1. Modify existing Declaration of Restrictions in the Restrictions Table in Appendix A of the CDMP Land Use Element, regarding April 2004 CDMP Amendment Cycle Application No. 3, to exclude the 5-acre Parcel A. (Declaration of Restrictions recorded in Book 23413 Page 1136 of Miami-Dade County Official Records – as modified by the First Modification to the Declaration of Restrictions recorded on Book 26955, Page 908 of Official Records); and</p> <p>2. Redesignate Parcel A (±5.2 acres):</p> <p>From: "Parks and Recreation"</p> <p>To: "Medium Density Residential (13 to 25 DU/Ac.)"</p> <p>3. Add two proffered Declarations of Restrictions to the Restrictions Table in Appendix A on Page I-95 of the CDMP Land Use Element.</p>	10 / Souto	<p>Transmit and Adopt with Acceptance of the Proffered Declarations of Restrictions</p>	<p>Transmit with the recommendation that the Keep Bleau Green Committee, Inc. meet with the homeowners association and when the charter school is built they give first preference for admissions to the residents of Fountainbleau</p>	<p>Transmit with the recommendation that the Keep Bleau Green Committee, Inc. meet with the homeowners association and when the charter school is built they give first preference for admissions to the residents of Fountainbleau</p>	<p>Transmit and Adopt with acceptance of the proffered Declarations of Restrictions as recommended by Staff</p>	<p>Adopt as Transmitted with acceptance of the proffered Declarations of Restrictions</p>	

Source: Miami-Dade County Department of Regulatory and Economic Resources (Department)

Notes:

BCC: Board of County Commissioners; LPA: Local Planning Agency

CC (8): North Central Community Council; CC (10): Westchester Community Council